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 Attorneys for First Horizon Home Loan Corporation

**IN THE UNITED STATES DISTRICT COURT
 DISTRICT OF OREGON
 MEDFORD DIVISION**

TAMIE RICHARDSON,

Plaintiff,

vs.

First Horizon Home Loan Corporation,

Defendants.

Case No. 10-03073

**RESPONSE IN OPPOSITION TO MOTION
 TO STRIKE AND COMPEL**

COMES NOW the Defendant, First Horizon Home Loan Corporation, by and through their attorney of record, Holger Uhl of McCarthy & Holthus, LLP, and hereby responds to Plaintiff's Motion To Strike Defendant's Notice of Compliance And Compel Production:

Plaintiff continues to falsely accuse counsel and defendant of not responding to her discovery requests and of ignoring court orders. Defendant categorically denies it has failed to reasonably respond to Plaintiff's discovery requests. Plaintiff misstates the record.

Defendants have produced extensive documents and records and have provided Plaintiff with written responses to all her interrogatories and requests for admissions. The written responses were verified by an authorized agent for the Defendant. In addition affidavits and declarations were filed with the Court that certifies that copies of the promissory note and other relevant documents were accurate copies of the originals.

RESPONSE IN OPPOSITION
 FACTS - 1

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1 The documents that were produced show that the note was endorsed in blank by First Horizon Home
 2 Loan Corporation. It remains in physical control of Defendant in its role as servicer. They further show
 3 that the loan was transferred from First Horizon Home Loan Corporation to First Horizon Asset
 4 Securities, Inc. pursuant to the Mortgage Loan Purchase Agreement. Complete copies of that
 5 agreement are in the possession of Plaintiff. First Horizon Asset Securities then deposited the loan
 6 into the FIRST HORIZON ALTERNATIVE MORTGAGE SECURITIES TRUST 2006-AA3 pursuant
 7 to the Pooling and Servicing Agreement. Complete copies of that agreement are also in the possession
 8 of Plaintiff.
 9

10
 11 These documents show that the Bank of New York is the Trustee of that trust. First Horizon Home
 12 Loan Corp. is the servicer for that trust, and Metlife Home Loans is the subservicer. The transfers
 13 under the Mortgage Loan Purchase Agreement and the Pooling and Servicing Agreement were
 14 simultaneous.
 15

16 There is no factual dispute that Plaintiff has not made her mortgage payments. Thus there is a default.
 17 A loan history has been provided and is not disputed by Plaintiff.
 18

19 There is thus no factual dispute that the pre-conditions of Oregon's Trust Deed Act to commence
 20 foreclosure have been fulfilled: The Trust deed and an assignment into the Securitization Trust has
 21 been recorded in Josephine County, as well as an appointment of the successor trustee. There is a
 22 default by the grantor and a notice of default was recorded in Josephine County. Those documents are
 23 public record and copies thereof have been produced.
 24

25 As to Plaintiff's allegations regarding the HUD1 Settlement Statement, all documents in the custody or
 26 control of Defendant with respect to that statement have been produced. That statement was not
 27 prepared by Defendant, but by the closing agent and Plaintiff signed and verified that the information

1 was accurate. Documents showing that have been produced. The Settlement Statement itemizes every
 2 service performed.

3
 4 As to Plaintiff's allegations regarding alleged breaches of the Pooling and Servicing Agreement
 5 ("PSA"). Plaintiff is not a party to the PSA, nor is she a beneficiary of that Agreement. Factually her
 6 allegations rely on misinterpretations of the PSA, but even if they were true, the requests lack
 7 foundation and seek information neither relevant nor calculated to lead to the discovery of admissible
 8 evidence. Her questions at best pre suppose unwarranted assumptions of fact and law, and at worst
 9 they are oppressive and unduly burdensome.

10
 11 Plaintiff continues to represent Defendant's responses in a false light and repeats unreasonable requests
 12 bolstered by threats against both the Defendant and counsel. Defendant therefore renews its motion for
 13 a protective order.
 14

15
 16 DATED March 9, 2011
 17
 18

19 McCarthy & Holthus, LLP

20 /s/ Holger Uhl

21 By _____
 22 Holger Uhl, Of the Firm
 23 Attorneys for First Horizon Home Loan Corporation
 24
 25
 26
 27

RESPONSE IN OPPOSITION
 FACTS - 3

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 9, 2011, I served a copy of the foregoing on CM/ECF Registered Participants as reflected on the Notice of Electronic Filing:

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Additionally, a copy of the foregoing was served on the following parties by first class mail, postage prepaid, addressed to:

Tamie Richardson
746 Bailey Drive
Grants Pass, OR 97527

/s/ Holger Uhl

Holger Uhl

RESPONSE IN OPPOSITION
FACTS - 4

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